

# STATE OF COLORADO

Roy Romer, Governor  
Patti Shwayder, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

## HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

<http://www.cdphe.state.co.us/hm/>

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-3300  
Fax (303) 759-5355

222 S. 6th Street, Room 232  
Grand Junction, Colorado 81501-2768  
Phone (970) 248-7164  
Fax (970) 248-7198



Colorado Department  
of Public Health  
and Environment

SDMS Document ID



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October 21, 1998

Mr. Douglas Skie  
Environmental Protection Agency  
Region VIII (8ERP-SA)  
999 18th Street - Suite 500  
Denver, CO 80202-2466

RE: Request for a Time-Critical Removal Action on two Residential Homes

Dear Mr. Skie:

The Colorado Department of Public Health and Environment (CDPHE) has identified two residential properties that have arsenic concentrations in the soil that exceeds 450 parts per million (ppm). CDPHE would like the EPA to include these two properties in their Time-Critical Removal Action that is being conducted by the Emergency Response Team at the Vasquez Boulevard and I-70 site.

These two properties, 4541 Sherman St., and 4515 Logan St., were identified as part of the Asarco Globe sampling that is being conducted by EnviroGroup for Asarco. We feel that these two properties meet the emergency criteria set forth in Pete Stevenson's September 16, 1998 Action Memorandum to Max Dodson.


By letter dated September 30, 1998, CDPHE notified Asarco that they must remediate these two properties as part of the Asarco Globe remediation site prior to October 31, 1998 (the end of the Globe Site 1998 remediation season). Asarco previously had agreed to remediate residential properties south of I-70 with arsenic exceeding 1,000 ppm, the earlier subchronic action level developed by CDPHE with guidance from EPA. However, by letter dated October 15, 1998, Asarco refuses to remediate these two additional properties, citing as reasons that (1) 30-days notice does not allow sufficient time for remediation, (2) Asarco maintains that arsenic contamination south of I-70 is not attributable to the Globe Plant, and (3) Asarco believes that the state provided insufficient support for adopting EPA's new subchronic action level. The Globe Consent Decree provides that Asarco must sample and remediate outwards from the Globe Plant until they reach a clean block, unless Asarco can demonstrate to the state that contamination was not caused by the Globe Plant. Asarco has not made this demonstration and, consequently, the state considers that the contamination south of I-70 as Asarco's responsibility.

However, since Asarco's refusal to remediate these properties may force the state to proceed to dispute resolution to enforce remediation, CDPHE believes EPA likely can remediate these two properties more expeditiously.

Based on EPA's revised subchronic action level of 450 ppm arsenic, it is CDPHE's position that these two properties pose a risk to public health and should be remediated as soon as possible. CDPHE will continue efforts to enforce the Consent Decree remediation requirements against Asarco, and will inform you immediately if remediation of these two properties will occur under the Consent Decree earlier than EPA would conduct an emergency removal. Towards that end, please advise when EPA could conduct an emergency removal at these two properties.

If you have any questions regarding this letter, please call me at (303) 692-3387. Thank you for your assistance in this matter.

Sincerely,



Jeffrey Deckler  
Remedial Programs Manager

cc: Pete Stevenson - EPA  
Frances Hartogh - AGO  
Fonda Apostolopoulos - HMWMD  
Robert Litle - Asarco  
Daye Folkes - EnviroGroup  
✓ Steve Hawthorn - EPA  
Chuck Patterson - TAG  
File: Globe 6.4.6.1

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Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530

2900-REMEDIAL

GRA

STEVE HAWTHORN  
US EPA, REGION 8  
999 18th ST, #500  
DENVER, CO 80202